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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,256	03/27/2001	Forrest B. Phillips	22845.01400	2099

23628 7590 08/01/2006

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EXAMINER
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MATHEW, FENN C

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/819,256	<b>Applicant(s)</b> PHILLIPS, FORREST B.	
	<b>Examiner</b> Fenn C. Mathew	<b>Art Unit</b> 3764	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 18-110 is/are pending in the application.
- 4a) Of the above claim(s) 4,8,9,11-15,18-87,89-101,104-107 and 111-113 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,10,88,102,103 and 108-110 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/13/2006 has been entered.

### ***Election/Restrictions***

2. Newly submitted claims 104-107 and 111-113 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Applicant elected without traverse in the response filed 11/22/2004, the invention of figure 1. The above cited claims are drawn to a secondary slide, and a plurality of attached activity sections not within the scope of the elected figure.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 104-107 and 111-113 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Specification***

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3. The disclosure is objected to because of the following informalities: Applicant has made several typographical errors with regards to reference numerals in the specification. A few examples are listed below. Applicant should carefully revise the specification to ensure appropriate numerals have been utilized. Examples include:

- On page 15, line 10, the line should recite –rider 79--.
- On page 18, lines 14 and 17, line should recite –cylindrical member 194--.

Additionally, on page 1 of the specification, under the section titled Related Applications, the phrase should be corrected to read –No. 09/344,302 now U.S. Patent 6,231,483--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Chacko et al. (U.S. 3,712,417 Referring to claim 1, Chacko teaches a slide comprising a base (17) and a top surface (25) to facilitate sliding thereon, the top surface comprising a low friction material (see abstract), wherein the low friction material is

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constructed for sliding thereon by a user. On the basis of the low friction nature of the slide, a user would be capable of sliding on the arrangement when the top surface is dry, when the top surface is wet, when the top surface is substantially horizontal, and when the surface is inclined. Referring to claim 2, Chacko teaches the top surface is supported by the base and a portion of the base is inclined to facilitate gravity-induced sliding on the top surface. Referring to claim 3, Chacko teaches the slide is inflatable, and therefore inherently teaches the top surface being bouncy. Referring to claim 5, Chacko teaches a bouncy surface provided by the base comprising an air inflatable member (the inflatable nature of the base would result in bouncy characteristics for the top surface). Referring to claim 6, Chacko teaches an air blower (37) for maintaining inflation of the base. Referring to claim 7, teaches that the slide is portable (stored in the aircraft), and that the air inflatable membrane can be deflated for shipping and inflated on-site for use.

6. Claims 1, 10, 88, 102-103, and 108-110 are rejected under 35 U.S.C. 102(b) as being anticipated by Merino (U.S. 4,762,316). Merino discloses a slide for supporting a user comprising a base (27), and a top surface to facilitate sliding thereon, the top surface comprising a low friction durable sheeting material (vinyl sheeting), wherein the low friction material is constructed and arranged for sliding thereon by a user. On the basis of the low friction nature of the slide, a user would be capable of sliding on the arrangement when the top surface is dry, when the top surface is wet, when the top surface is substantially horizontal, and when the surface is inclined. Referring to claim 10, Merino teaches the sheeting material comprising vinyl. Referring to claim 88,

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Merino teaches a device including a means for introducing fluid onto the surface. The use of the device during winter at temperatures would result in ice formation on the top surface. Referring to claim 102, Merino teaches a fluid conduit (21) for introducing a fluid onto the top surface of the slide. Referring to claim 103, Merino teaches the fluid conduit is connected to a connector connected to a conventional garden hose, which is inherently connected to a fluid pump in order to allow for the flow of water. Referring to claim 110, Merino teaches the fluid consisting of water. Referring to claim 108, Merino further teaches a riding element (12) configured for riding on the slide. Referring to claim 109, Merino teaches the riding element including a low friction durable sheeting (vinyl) for sliding upon the top surface of the slide.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-3, 5-8, 10, 88, 102-103, 108-110 have been considered but are moot in view of the new ground(s) of rejection. Applicant is reminded that functional recitations in apparatus claims are not limiting so long as the prior art cited is capable of performing the functions.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tresh (U.S. 4,887,811) teaches a baseball slide practice device utilizing a vinyl sheet on which a user may slide (note dry sliding). Makous (U.S.

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5,326,338) teaches a lateral exercise apparatus including a sheet on which a user may slide laterally. Boatwright (5,246,401) teaches a sled and slide assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Fenn C. Mathew  
May 28, 2006